THE HYDERABAD VACCINATION ACT, 1951.
NO. XXIV OF 1951.

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*THE HYDERABAD VACCINATION ACT, 1951.

No. XXIV OF 1951.

An Act to provide for making the vaccination of unprotected children and unprotected persons compulsory.

Whereas it is expedient to provide for making the vaccination of unprotected children and unprotected persons compulsory; Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the Hyderabad Vaccination Act, 1951. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on the date of its publication in the Jarida.

2. In this Act unless there is anything repugnant in the subject or context— Definitions.

(*a*) "child" means a boy or girl who has not attained the age of 18 years;

(*b*) "guardian" means any person who is responsible for or has accepted or assumed the care of or custody of any child;

(*c*) "Government dispensary" means any allopathic dispensary which is under the direct or general control of the Medical and Public Health Department of Government;

(*d*) "local authority" means—

(*i*) in any area comprised within the jurisdiction of a Corporation established under the Hyderabad Municipal Corporations Act, 1950, such Corporation;

(*ii*) in any area comprised within the jurisdiction of a Municipal Committee or Town Committee, such Committee;

(*iii*) in respect of any other area, the District Board within whose jurisdiction such area is included or such local body as the Government may by notification in the Jarida specify;

(*e*) "Medical practitioner" means any person registered under section 12 of the Hyderabad Medical Registration Act (I of 1348 F.);

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(*f*) " person " means a male or female who has attained the age of 18 years ;

(*g*) " prescribed " means prescribed by rules made under this Act ;

(*h*) " unprotected child " means a child who has not—

(*i*) had small-pox naturally ; or

(*ii*) been successfully vaccinated within the last five years ; or

(*iii*) been certified under this Act to be insusceptible to vaccination ;

(*i*) " unprotected person " means a person who has not—

(*i*) had small-pox naturally ; or

(*ii*) been successfully vaccinated within the last 5 years; or

(*iii*) been certified under this Act to be insusceptible to vaccination ;

(*j*) " vaccination station " means a place declared as such from time to time in the prescribed manner as a place at which vaccination shall be carried out ;

(*k*) " vaccinator " means—

(*i*) any medical practitioner, or

(*ii*) any person possessing the qualifications notified by the Hyderabad Medical and Public Health Department for vaccinator, or

(*iii*) any Health Inspector, or

(*iv*) any Health Visitor, or

(*v*) any Health Sub-Inspector qualified in vaccination.

Duties of guardian regarding Vaccination of children.

3. (1) The guardian of an unprotected child below six months of age shall have such child vaccinated before it attains that age at a vaccination station within the prescribed hours or by a vaccinator employed by the Government or local authority or by a medical practitioner.

(2) The guardian of an unprotected child who has completed six months of age and who has resided in the State of Hyderabad for at least one month shall within one month after that period get such child vaccinated by a vaccinator employed as aforesaid or by a medical practitioner or take such child or cause it to be taken to a vaccination station and get it vaccinated.

Duty of an unprotected person to get himself vaccinated.

4. An unprotected person who has resided for one month within the State of Hyderabad shall within one month after that period get himself vaccinated by a vaccinator or at a vaccination station.

Duty of vaccinator to effect vaccination.

5. A vaccinator employed by Government or a local authority to whom any unprotected child or unprotected person is brought or comes for vaccination in accordance with the provisions of this Act shall with all reasonable despatch vaccinate the child or person in accordance with the said provisions and the rules made thereunder.

Duty of vaccinator to direct attendance for ascertaining results of vaccination.

6. After a child or person has been vaccinated in accordance with the provisions of this Act, the vaccinator shall direct the guardian of that child or person to attend on a subsequent date and at a reasonable hour and place to be specified by him for the purpose of inspecting and ascertaining the result of the vaccination.

Action to be taken when vaccination is successful or unsuccessful.

7. (1) If the vaccinator finds on inspection that the vaccination has been successful he shall give a certificate of successful vaccination in the prescribed form.

(2) If the vaccinator finds that the vaccination is wholly or partly unsuccessful, the guardian of the child or person concerned shall, if the vaccinator so directs, forthwith have a revaccination performed by the vaccinator and such revaccination shall be inspected and after inspection dealt with as in respect of the previous occasion.

Certificate of unfitness for vaccination and its renewal.

8. (1) If the vaccinator finds that an unprotected person or unprotected child is not in a fit state of health to be vaccinated, he shall deliver to such person or guardian of such child a certificate in the prescribed form to the effect that the person or child is not then in a fit state of health for vaccination.

(2) If the vaccinator is of the rank of a Health Sub-Inspector, he shall send a copy of the certificate to the Health Officer.

(3) Such certificate shall remain in force for the period specified therein not exceeding three months but may be renewed from time to time if the person or child continues to be unfit for vaccination.

(4) After the expiration of the period of the certificate or of the renewed certificate, the guardian of the unprotected child or unprotected person concerned shall with all reasonable despatch take steps for the vaccination of the child or of himself and upon vaccination further action shall, so far as may be, be taken in the manner provided in the foregoing provisions of this Act.

Certificate of insusceptibility to successful vaccination.

9. If any vaccinator finds that any person or child whom he has thrice vaccinated unsuccessfully is insusceptible to successful vaccination or that the child or person who is brought or comes to him for vaccination has already had small-pox, he shall deliver to the guardian or person concerned a certificate under his signature in the prescribed form and the guardian shall not thenceforth be required to cause the child or the person to get himself to be vaccinated.

Despatch of certificate of successful vaccination.

10. Any guardian of an unprotected child or an unprotected person who procures vaccinaton of an unprotected child or of himself by a vaccinator not employed by the Government or any local authority shall forward a certificate of successful vaccination to the Municipal Health Officer of the area in which he resides or to the Medical Officer in charge of the Local Government dispensary or if there is no Municipal Health Officer or a Government dispensary in the place of residence of the guardian or unprotected person to the Health Officer of the district within one month from the date of vaccination.

Cancellation of false or incorrect certificate.

11. (1) Every District Health Officer, Assistant Health Officer or Medical Officer in charge of a Municipal or Government dispensary shall be competent to cancel any certificate of vaccination if he has reason to believe that the entries made therein are incorrect or that the certificate has been improperly given in respect of an unprotected child or unprotected person.

(2) The certificate of vaccination shall on cancellation under sub-section (1) cease to be valid and operative and after the cancellation of the certificate, notice of the cancellation and directing vaccination shall be given in the prescribed form to the person concerned and if the notice is not complied with, the officer by whom such cancellation has been made shall be entitled to take action against the guardian or person concerned under the provisions of this Act and the rules made thereunder.

No fee to be charged for vaccination done at a vaccination station.

12. No fee or remuneration shall be charged by any vaccinator employed either by the Government or any local authority to the guardian of a child or to an unprotected person for vaccination done, and for any certificate issued in pursuance of this Act, at a vaccination station.

Change of residence of unprotected persons or children.

13. (1) When the residence of an unprotected child or unprotected person is changed—

in a Municipal area, from one ward of the Municipality or Corporation to another ward thereof, and

in a non-municipal area, from one town or village to another town or village,

the guardian of the unprotected child or the unprotected person, as the case may be, shall within one month of the change of residence notify the change—

(*a*) in the case of a Municipal area, to the Municipal Health Officer,

(*b*) in the case of other areas to the District Health Officer, the Assistant Health Officer, the Medical Officer in charge of the Local Government dispensary or to the village Police Patel,

furnishing full particulars as to the new address of the unprotected child or unprotected person concerned.

(2) The officers specified in sub-section (1) other than the police patel shall make arrangements for getting the unprotected child or calling upon the unprotected person to be vaccinated as early as possible and the police patel shall communicate the information received by him to the District Health Officer for necessary action.

(3) When an unprotected child who has attained the age of six months leaves the locality before being vaccinated the matter shall be reported by the District Health Officer to the District or Municipal Health Officer concerned for taking steps for the vaccination of the child.

Order for inspection of an unprotected child or person.

14. If the President of the District Board, Municipal Corporation, Municipal Committee or Town Committee, the District Health Officer, the Municipal Health Officer, the Assistant Health Officer or the Medical Officer incharge of the Government or Municipal dispensary has reason to believe that there is an unprotected child or unprotected person in any area within his jurisdiction such President or officer may, after the village or town in which the house, where the unprotected child or unprotected person resides, is situated, has been duly visited by a vaccinator, call upon—

(*a*) the guardian of such unprotected child or unprotected person to be present for inspection at any time appointed by him between the hours of 7 a.m. and 6 p.m. and to state his age, parentage, place of birth and the duration of his residence in such area, or

(*b*) the guardian of an unprotected, child in a house to produce all the children in the house under his guardianship for inspection at a time appointed by him between the hours of 7 a.m. and 6 p.m. and to state the age, parentage, place of birth and duration of residence in such area of each of such children.

Delivery of or affixing a notice at the house of a guardian or person requiring a child or person to be vaccinated.

15. (1) The President of the District Board, Municipal Corporation, Municipal Committee, or Town Committee, the District Health Officer, the Municipal Health Officer, the Assistant Health Officer and the Medical Officer in charge of a Government or Municipal dispensary shall—

(*a*) if he is aware of the existence of a person or child who is unprotected and is fit for vaccination, or

(*b*) if on a notice given under clause (*a*) of section 14 any person wilfully refuses to be present or any guardian intentionally refuses to produce any child under his care for inspection as required by section 14, or

(*c*) if after inspection it is proved to the satisfaction of the President or officer concerned that any person or child is unprotected and fit for vaccination,

deliver to such person or guardian of the child concerned or if such delivery is not possible, cause to be affixed at the house of

such person or guardian a notice in the prescribed form requiring the person or the child, as the case may be, to be vaccinated at a time and place to be specified in the said notice.

(2) The unprotected person or guardian of the unprotected child to whom notice is given in the manner specified in sub-section (1) shall be bound to comply with it unless a certificate is produced before the President or other officer specified in sub-section (1) from a vaccinator to the effect that such person or child has either been successfully vaccinated already or is unfit for, or insusceptible to vaccination.

Penalty for not vaccinating a child within the age of six months.

16. If an unprotected child who has attained the age of six months after the commencement of this Act remains unvaccinated, the guardian of the child may be served with a notice in the prescribed form by a vaccinator employed by Government or a local authority and if that notice is not complied with, the guardian of the child concerned shall be punishable with fine which may extend to fifty rupees.

Other penalties.

17. (1) Any guardian of an unprotected child or unprotected person who contravenes the provisions of or any directions given under sections 3, 4, 6, 7, 10, 13 and 14 without reasonable cause or gives intentionally wrong information as to age, parentage, guardianship, or address of a child under his care or custody and any vaccinator who neglects to issue any prescribed certificate under this Act shall be punishable with fine which may extend to twenty rupees.

(2) In case of a continuing contravention after a first conviction under sub-section (1) or any non-compliance after service of notice issued under section 15, the person concerned shall be liable to a fine not exceeding one hundred rupees.

Penalty for false certificates.

18. Whoever wilfully signs or procures the signing or making of a false certificate or duplicate certificate under this Act shall be punishable with imprisonment for a term not exceeding one month or with fine not exceeding one hundred rupees or with both.

Penalties for accepting illegal remuneration.

19. If any vaccinator employed by the Government or a local authority accepts or obtains or agrees to accept or attempts to accept any fee or remuneration other than that permitted by rules under this Act, he shall be punishable with imprisonment which may extend to three years or with fine or with both.

Cognizance of offences under this Act.

20. No court shall take cognizance of any offence punishable under this Act or under any rules made thereunder unless a complaint in writing specifying the facts is made against the offender by the President of a District Board, Municipal Corporation, Municipal Committee, or Town Committee, the District or Municipal Health Officer, the Assistant Health Officer, the Medical Officer in charge of a Government, Municipal or District Board Dispensary or any other prescribed officer.

Rules.

21. (1) Government may by notification in the Jarida make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may—

(*a*) provide for the appointment of vaccinators,

(*b*) determine the qualifications required for vaccinators, and regulate the grant of certificates and the course of training for such vaccinators,

(*c*) provide for the guidance of vaccinators and other persons supervising the work of vaccination in matters concerned with the working of this Act,

(*d*) provide for the guidance of the Superintendent of the Vaccine Depot established by Government in the manufacture, storing, testing of lymph, its periodical supply to the vaccinators and maintenance of records of lymph issued from time to time,

(*e*) provide for the kind of lymph to be used for vaccinations under this Act,

(*f*) determine the forms and registers to be maintained by the vaccinators as well as the registers of births in connection with their work under the provisions of this Act,

(*g*) determine the statements to be sent and the authorities to whom they are to be sent by the vaccinators and by the persons in charge of the registration of births under any law for the time being in force,

(*h*) determine the fee or remuneration that may be charged by a vaccinator employed by Government or a local authority, and

(*i*) provide for any other matter that is, under this Act, required to be prescribed.

(3) In making a rule under this section Government may direct that a contravention thereof shall be punishable with fine not exceeding twenty rupees.

Repeal.

22. All statutory provisions and rules and regulations having the force of law, relating to vaccination, which are inconsistent with or repetitions of any of the provisions of this Act, are hereby repealed:

Provided that any appointments made or any notifications or orders issued under the provisions, rules and regulations so repealed shall, so far as they are not inconsistent with this Act, continue in force and be deemed to be made under this Act.